

Home (1938) Department.

Mc

SERIES.

G.O. No. 5203

DATED

27 10 38

[Despatch Abstract

Courts - Civil - Quinary
 Sd. Judges Court, Bellary
 Creation from 1.11.38 to 3.7.39
 Establishment - Sanctioned
 Wn. Ld. Munnay's Court
 Adil Bellary Belkshel

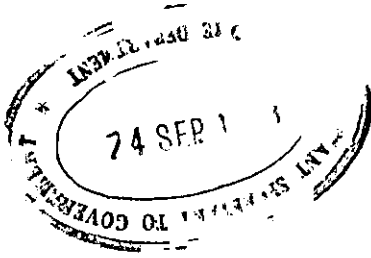
189/

DEPARTMENT.

32593 ^E
19 ²⁴/₂₆ 1938

Received 19

Registered.....



Subject.

ENCLOSURES.

No.

Spare copies ..

R.O.C. No. 3437/38 D-2.

Station Madras, Dated the 22nd September 1938.19

From (Name) D. APPA RAO Esquire (Bar-at-Law),
(Designation) Registrar, High Court of Judicature,
Madras.

To The Secretary to the Government of Madras,
HOME Department.
(with enclosures).

Sir,

Court - Civil -, Establishment of a temporary Sub Court
at Bellary - recommended. -----

144-6

In connection with the Part II schemes for 1939-1940, the District Judge of Bellary, for the reasons stated in the enclosed copy of his letter No.4003 dated 6-8-1938, and its enclosures reports that the existing Civil arrears on his file, require the establishment of a temporary Subordinate Judge's Court for a period of six months after the summer recess of 1939. He, however, suggests that if Mr. Georgeson who is now undergoing judicial training as Principal District Munsif, Bellary, is appointed as Subordinate Judge with Assistant

Assistant Sessions Judges' powers for four or five months from 1-11-1938, or 1-12-1938, it will, apart from giving him an opportunity to study leisurely all aspects of a District Judge's work, obviate the necessity for a temporary Subordinate Judge after the recess of next year. The Hon'ble the Judges consider that the arrears in the District Court justify provision being made in the Budget for the establishment of a temporary Subordinate Judge's Court at Bellary, for a period of six months in 1939-1940, but that the only way to avoid it would be to let Mr. Georgeson exercise powers as Subordinate Judge only (without Assistant Sessions Judge's powers) during the latter portion of his training. I am directed to state that the above arrangement would save expense since Mr. Georgeson's pay will be the same whether he does District Munsif's work, or that of a Subordinate Judge, and would facilitate early disposal of the arrears, since Mr. Georgeson could begin on them in November, whereas the temporary Subordinate Judge could not profitably be appointed till next June. There will be no inconvenience to the litigants in the District Munsif's Court, Bellary, since one District Munsif can easily cope with all the work of the Munsif's Court. Besides, an officer under training in a District Munsif's Court, gets little opportunity to learn insolvency work which can best be learnt by working for a few months as Subordinate Judge. Their Lordships, therefore, propose to invest Mr. Georgeson with the powers of a Subordinate Judge with effect from 1-11-1938 as an alternative to the appointment of a temporary Subordinate Judge for six months.

2/ In the enclosed copy of his letter No.4944 dated 13-9-1938, the District Judge of Bellary (Mr. Mack) proposes that Mr. Georgeson may be appointed as Subordinate Judge with original jurisdiction over Bellary Town and with the same establishment as was sanctioned for him in G.O. No. Misc.4010

(Mr. Mack)

h7 in tra

2/

(D)

Law (General) dated 23-11-19²38, during his judicial training at Bellary:- Viz. (1) one Translator on Rs.55-70, (2) Short-hand Typist on Rs.30-55 plus shorthand allowance according to qualification, (3) Two clerks each on Rs.30-55, and (4) three servants - each on Rs.12-17, that the appointment may be made with effect from 1-11-1938, and that the post of the Additional District Munsif, Bellary, sanctioned for the Judicial training of Mr. Georgeson may be abolished from that date. The Hon'ble the Judges support the above proposals of the District Judge.

A

3 I am, therefore, to request that the Government may be pleased to sanction the creation of a temporary Subordinate Judge's Court at Bellary from 1-11-1938, till the completion of the judicial training of Mr. Georgeson, with the establishment and jurisdiction proposed above.

4 The extra cost involved in the proposal can be met from the existing budget grants for the current year under "27 Administration of Justice - Civil and Sessions Courts - Mufassal Civil and Sessions Courts - Regular Establishments - Pay of Officers charged and Pay of Establishments - Voted".

I have the honour to be,

Sir,

Your most obedient Servant,


REGISTRAR.

PR/

09

Copy of letter No.4003/6/8 dated 5th August 1938 from the District Judge, Bellary to the Registrar, High Court, Madras.

Subject:- Courts - Civil - New appointments of Additional Judicial Officers - requirements for 1939-40 proposals called for - High Court's R.O.C.No.2665 of 1938 D-2 dated 14-6-1938

I have the honour to state that the existing civil arrears on the District Court file as shown in the - -
(not a note) enclosed statements as required are heavier than on any previous occasion when a Sub-Court was applied for, and may require a temporary Sub-Court here for a period of six months after the summer recess of 1939. The last Sub-Judge who worked here was Mr.P.Rajagopalan during his judicial training from 1-4-1932 till 28-2-1933. Prior to that there was a temporary Sub-Court from - - 15-11-1929 till 23-12-1930 with a short break from 9-4-1930 to 20-4-1930. When that Sub-Court was recommended for continuation after the recess of 1930 there were 63 suits, 23 of which were more than one year old and 88 appeals of which 35 were more than six months old and 6 Sessions Cases pending. The figures now are 86 Original Suits of which 53 are one year old, 137 Appeals of which 96 are more than 6 months old and 13 Sessions Cases. The arrears include also 24 I.As. to set aside alienations in insolvency.

2
Sessions Cases have been above normal this year, 33 being registered up to date as against 33 the whole of 1st year - 14 came up for disposal after the recess. I disposed have up to date/of 11, 12 are posted for August and September 1938. The remaining case S.C.30 of 1938 is rather heavy involving charges of conspiracy, falsification of accounts, forgery, cheating and criminal breach of trust against two accused, one of whom was Managing

Go 1074 29
17-3-32
15 of Go 424 19
4-11-29
Go 1674 19 - 2
10-4-30

2

5

-2-

Director of the Hospet Sugar Mills at present under liquidation in this Court on transfer by the High Court in O.P.No.21 of 1936. The C.I.D. after a protracted investigation laid the charge sheet. A special First Class Magistrate held the preliminary enquiry which took about six weeks. 460 documents for the prosecution and 54 documents for the defence are on the record. 33 P.Ws. were examined and 29 D.Ws. are cited. A Special Public Prosecutor conducted the preliminary enquiry. The charges on which the accused have been committed cover several sections not included in the original charge-sheet and the case appears to have gathered a lot of moss in the committing court. I have considered the desirability of applying for a Special Assistant Sessions Judge to dispose of this case and also to continue for sometime to relieve me of some of the civil arrears. But Mr.Georgeson who is on Judicial Training is occupying the only available accommodation for a temporary Court. I have posted S.C.30 of 1938 to the 5th of October and it will require my undivided attention for some days. The ordinary Public Prosecutor will be conducting the case. I have consulted him about the duration and we are allowing 14 days though I should not like to commit myself as to the time it will actually take in view of A.1 having defended himself in the committing Court and pleaders defending him at Sessions. I have also obtained a forecast of Sessions cases under commitment. There are 10 more likely to be committed in August and September 1938 so that there will be very limited time for civil work before the end of this year. } 'N'

3
I am reluctant to propose Mr.Georgeson being appointed a Sub-Judge during the last few months of his training as proposals made to this effect both by Mr.Horwill and Mr.Barter as regards Mr.Karamutullah

who completed his judicial training at the end of last year were negatived by the Honourable Judges. Please see this Court's letters Dis.Nos.1784 dated 14-3-1936 and 9 dated 10-11-1936 and High Court's R.O.C.599-B(2) dated 23-11-1936. In this connection I would however submit that when I was on Judicial Training in Bellary in 1928-1929 I profited greatly by working as an Assistant Sessions Judge and Sub-Judge for a year. It gave me an opportunity of studying leisurely all aspects of a District Judge's work and dealing with suits and miscellaneous work - - transferred from the District Court and handled in intermediate stages by District Judges. I found this and the trial of a few Sessions Cases helpful to me when I took charge of a district. If Mr.Georgeson can be appointed as an Assistant Sessions Judge and Sub-Judge during the last 4 or 5 months of his training., say from the 1st of November or 1st of December 1938 his training can be given a good winding up and at the same time he will incidentally help to resolve a number of simple and varied matters on my file which are pending because there is no time to reach them. If the Honourable Judges are pleased to accept this proposal I think it may help to obviate the necessity for a temporary Sub-Judge after the recess of next year.

4
I am however making this application now in the usual course to provide for budget allotment for a temporary Sub-Court for six months after the recess of 1939 in the event of my being unable to reduce substantially the existing arrears. No other additional Court is required for the District during 1939-40.

C.R.

ap

Mr. and

(P,
Vid. G. 4010 68
23-11-38

7

Copy of letter No.4944, dated 13-9-1938 from the District Judge, Bellary to the Registrar, High Court, Madras.

Subject:- Courts- Civil - New appointments
of Additional Judicial Officers - requirements
for 1938-1940 - High Court's letter P.O.C.
No.3437-D-2/38. dated 7th September 1938.

(P) With reference to the High Court's letter quoted above I have the honour to propose that Mr.W.W.Georgeson be appointed Subordinate Judge with original Jurisdiction over Bellary Town with the same establishment as was sanctioned for me in G.O.No.4010, Law. General, Home Department dated 23-11.1928 during my judicial training in Bellary.

- (i) Translator on Rs.55-70.
- (ii) Shorthand Typist on Rs.30-55 plus shorthand allowance according to qualification.
- (iii) Two clerks, each on Rs.30-55.
- (iv) Three servants, each on Rs.12-17.

I would recommend the appointment with effect from 1-11-1938 and the abolition of the Additional District Munsif's Court with effect from that date when Mr.P.A. Nazerath Posted as Additional District Munsif may be appointed as sole District Munsif of the local Court.

C.R.
es.

C.No.32593 E

From the High Court, R.O.C.No.3437/38 ~~xxxx~~ D.2 dated 22.9.38.

--

Courts - Civil - Establishment of a temporary Sub Court in Bellary.

A.S.

The Hon. the Judges recommend the creation of a temporary subordinate Judge's Court at Bellary, with effect from 1.11.38 till the completion of the Judicial training of Mr. Georgeson I.C.S., with the following Jurisdiction and establishment:-

Jurisdiction: Original jurisdiction over Bellary Town.

Establishment:

- (1) One Translator on Rs.55-70
- (ii) One Shorthand Typist on Rs.30-55.
- (iii) Two clerks, each on Rs.30-55.
- (iv) Three peons on Rs.12-17 each.

The Hon. the Judges consider that the existing civil arrears on the file of the Dt. Judge justify provision being made in the budget for the establishment of a temporary Subordinate Judge's Court in Bellary for a period of 6 months in 1939-40; but it is said that the only way to avoid it would be to let Mr. Georgeson exercise powers as Subordinate Judge only (without Asst. Sessions Judge's powers) during the latter portion of his judicial training. As Mr. Georgeson is already undergoing training as Addl. Dt. munsif, Bellary, the proposed arrangement - it is stated, - would save expense since Mr. Georgeson's pay will be the same as Addl. Dt. Munsif or as Sub Judge. Further, it is claimed that the arrangement would facilitate early disposal of the arrears since Mr. Georgeson can begin work in November, whereas the temporary Sub Judge cannot profitably be appointed

para 3, p 3 cf.

8

para 2, p 2 cf.

para 2, p 2-3 cf.

para 1, p 1-2 cf.

u.d

9

till next June. ~~No inconvenience to the litigants in the Dt. Munsif's Court, Bellary is anticipated since one Mr. Munsif can easily cope with all the work in the Court.~~ Working for a few months as Sub Judge is also expected to give some opportunity to Mr. Georgeson to learn insolvency work.

par-1. / 2 of

2. It is also proposed that the post of Addl.

Dt. Munsif, Bellary, which was sanctioned for the Judicial training of Mr. Georgeson (with his establishment) might be abolished with effect from 1.11.38. The existing

1 Translator on Rs.55-70
1 clerk on Rs.30-55
2 peons on Rs.12-17

sanction continues till 3.7.39. ~~It is stated that one Mr. Munsif can easily cope with all the work in the Dt. Munsif's Court, Bellary.~~

3. The statement at p.9 of (P) shows the

institutions, disposals and pendency in the Dt. Court,

Bellary since 1927. It will be seen from the ~~above mentioned~~

statement that the pendency on the civil side, both under

O.S. and Appeals, has increased considerably since 1936. The Dt.

Judge also points out that Sessions cases have been

above normal this year — 33 being registered upto the

beginning of August 1938, as against an equal number

registered in 1937 for the whole year. The Dt. Judge

anticipates that there will be 10 more cases registered

in August and September 1938, and he ~~expects~~ ^{feels} that, as

a result, there will be very limited time for civil work

It is observed that disposals in 1937 under all heads except under Criminal Revision petitions were below those in 1936 Neither the Dt. Judge

nor the High Court have furnished information as to how

the disposals of the Dt. Judge stand ^(in 1938). It is presumed

that the High Court is satisfied that the heavy pendency

is not due to short disposals which could have been

avoided. The pendency in August 1938 was 86 O.S. (53 old) + 137 civil appeals (96 old).

On previous occasions, the Govt. had sanctioned

the creation of a temporary Sub Court at Bellary as and

when necessity arose. In November 1928, a temporary Sub Court

was sanctioned to give Judicial training to Mr. Mack I.C.S.,

the present Dt. Judge, Bellary. Similarly in March 1932,

a temporary Sub Court was sanctioned at Bellary for

A on 13 of

2 + 5

1 of

par-2. / 4 of

N on 15 of

p.9 of (P)

2 on 14 of

(P)

Go. 4011 L
23.7.28

Go. 4241 L

16746

11.4.31

Go. 1-74 L
17.3.32

(W)

(Z)

(U)

10 ³ 88

the judicial training of Mr. P. Rajagopalan, I.C.S.,

The following statement compares the pendency in the Dt. Court under O.S. and Appeals in 1928 to 1932, with that in August 1938: —

Year	O.S.		Appeal	
	Total	Old	Total	Old
1928	36	-	120	-
1929	33	-	71	-
1930	8	-	52	-
1931	71	-	100	-
1932	21	-	86	-
August 1938	86	53 (over one year old)	137	96 (over 6 months old)

Period when a Subordinate Judge was working for Bellary

Thus, the present pendency on the Civil side, both under O.S. and Appeals, is very high.

⁵
In the circumstances now explained, ~~by the Dt. Judge~~, it is for orders whether the recommendation of the High Court may be accepted. The details of staff proposed do not call for any remarks. The additional cost will be that of one Shorthand typist on Rs.30-55, one clerk on Rs.30-55 and one peon on Rs.12-17.

⁶
In the general file regarding the feasibility of abolishing civil courts in the Bellary district, it was noted as follows:-

"There are only 2 Dt. Munsifs' courts in the Dt. The Dt. Judge states that there is not enough work in the Bellary court for two officers; but he suggests that the I.C.S. officers under judl. training could take over the whole Dt. Munsif's court for the last 6 or 8 months of their training. The High Court has not offered any remarks on this suggestion. Although there is no case for the permanent reduction of a court in the Dt., yet the suggestion of the Dt. Judge is worth pursuing as it will result in reduction of expenditure.

"In this district also, there is no sub court. As the Dt. Judge has to deal with the civil work, O.S. and Appeals, and Sessions cases, the Dt. Court has to be retained".

H.M. made no remarks in regard to the work ^{or abolition} of the courts in this district.

7 Finance may see for remarks.

DS.
10/x can
11/10

The proposals of the single it

(1) to create a temporary sub judge
court at Dallas from 1-11-38
till the completion of the post
training of Mr. Geoghegan on 3-7-39
with the establishment refd. to at 2 on p 1 encl

+ (2) to abolish the post-^{ADD} of Mr. Geoghegan, Dallas
created for the training of this officer,
from 1-11-38

may be accepted.

This arrangement would be more advantageous
than that of having an ADD assigned
for 6 months after the summer recess
of 1939, to clear up arrears.

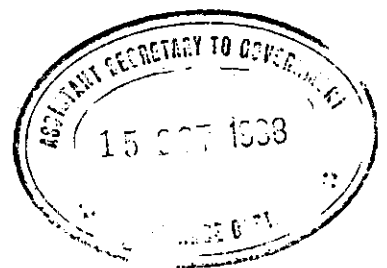
Fin. may see & remarks

ADD
11/10

/apec ^S
14.10.38

Fin. encl.

Done W. O. 32583E-
15/10/38



947852

See Home AS' note dated 4/11/38 ante

The proposals of Home are to sanction:-

(1) The creation of a temporary Sub-Court at Bellary from 1-11-1938 till the completion of the judicial training of Mr. Georgeson on 3-7-1939 with an establishment of one translator on Rs. 55-70, one shorthand writer, two lower division clerks, and three peons; and

(2) The abolition of the Additional District Munsif, Bellary (now held by Mr. Georgeson under judicial training) from 1-11-1938.

The proposals involve an extra cost of Rs.1,000/ as shown below:-

Cost per mensem.
Rs.

Additional staff for the Sub-Judge.

(Where extra cost on account of the Sub-Judge as Mr. Georgeson pay will be 7.00 more either as addl AS or as Sub-Judge)

One Translator on Rs. 55-70 (av. 65-75)	65.75 ✓
One shorthand typist - Rs.30-55 (av 42.1) plus Rs.25.	67.1 ✓
Two lower division clerks on 30-55 (av 42.1)	84.2 ✓
Three peons on Rs. 12-17 each. (14.7)	44.1

	261.15

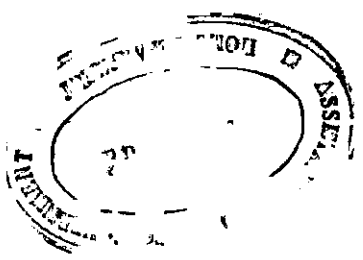
Deduct - Savings on account of existing staff for the Additional District Munsif.

137.25

123.9 p.m.

or Rs. 991/- for 8 months.
or Rs. 1000/- in round figures.

In the circumstances set out in the Home Department's note on pages 1-3 ante, this Department may accept the proposals. The details of staff and the rates of pay proposed are on the usual scale and may be agreed to.



35952/20/60
In no 36765/21
19 x 38

MC
18/10/38

19/10/38
Home

13

(325932)

a.s.

Please see the remarks of the Finance Dept at p 5 ante. A draft order is submitted for approval. For orders as to circulation.

Temporary
Sub - comm
Bellamy

as.
257 x
com
2571.

180
15710

S
fini
25. 10. 38

32593E
15710

M/ C27. / K. R. S.
26/10



When despatched

Courts - Civil - Temporary Sub Judge's Court,
Bellary - Creation from 1.11.38 to 3.7.39 with
establishment - Sanctioned. - Adol. St.
munsif's court, Bellary -
Abolished.

3. The expenditure will be met from the appropriation under "27.e. Administration of Justice - ~~Cap~~ B.

15

Mufassal Civil and Sessions Courts-
Regular establishments - Voted"

4. The appended notifications
will be published in the Fort St. George
Gazette:

NOTIFICATIONS.

I

Under section 4 of the Madras
'Civil Courts Act 1873 (III of 1873) as
amended by Madras Act III of 1925, the
Govt. of Madras, after consultation with
the High Court, direct that with effect
from the 1st November 1938, the number
of Dt. Munsifs to be appointed to the
Dt. Munsif's Court, Bellary in the Dt. of
Bellary shall be one.

II.

Under section 4 of the Madras
Civil Courts Act, 1873 (III of 1873) ~~as~~
~~amended by Madras Act III of 1925~~, the
Govt. of Madras sanction the appointment
of a Subordinate Judge for the Dt. of
Bellary and, under section 5^{said} of the Act,
direct that the said court shall hold
its sittings at Bellary ~~in~~ with effect
from the 1st November 1938, and the court
shall be styled "The Court of the Subordinate
Judge, Bellary".

The Govt. of Madras further direct,
under section 10 of the said Act, that
the Judge of the said Court shall have
and exercise ~~xxxx~~ original jurisdiction over
Bellary town.

(Abolition of the Additional
Magistrate (Criminal) 1)

6 10.17.38
for J. M. S. S. S.

(Cancellation of the Subordinate
Judge (Criminal) 1)

6 10.25.38

M

2 10.25.38

(No ~~order~~ for sub-judge as
he is an S.D.O. officer)

(Establishment)

III.

In exercise of the powers conferred by paragraph (b) of sub-section (1) and paragraph (b) of sub-section (2) of section 241 of the Govt. of India Act, 1935, His Excellency the Governor is hereby pleased to make the following special rules:-

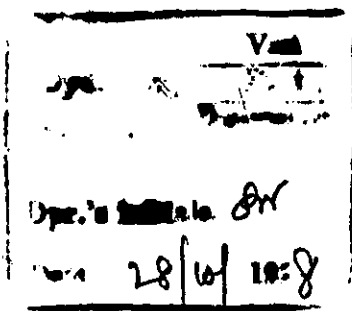
Rules.

The cadre of the Madras Judicial Subordinate Service shall be increased temporarily by the posts specified in the 1st column of the table below for the period specified in the corresponding entry in the 2nd column thereof:

Table.

<u>Posts</u>	<u>Period.</u>
Class IV./Category 4 One Translator	For the period commencing from
Category 5. One typist	1-11-38 to 3.7.1939.
Two lower division clerks	

- in one ^{temporary} Sub-court,
Bellary.



2. The general and special rules applicable to holders of permanent posts borne on the said cadre shall apply to the holders of the said temporary posts.

Explanation: In this rule the expression "holders of the said temporary posts" shall mean the persons counted against the said temporary posts.

To the Hon. the C.J. (with C.L.)
.. Dt. Judge, Bellary.
.. A.G. thro' Finance Dept.
.. Finance Dept.
.. Public (Rules) Dept.
.. S.G.P. for publication of notifications.

as

25/X

25/10

25/10/38